



7081808261

#6/1  
LW

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934

(202) 371-2600

**REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. § 1.60**

| Docket Number | Anticipated Classification of this Application |           | Prior Application    |                |
|---------------|------------------------------------------------|-----------|----------------------|----------------|
|               | Class:                                         | Subclass: | Examiner: J. Peabody | Art Unit: 1201 |
| 1611.0510002  |                                                |           |                      |                |

Address to:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

This is a request for filing a  continuation  divisional application under 37 C.F.R. § 1.60 of pending prior application no. 08/154.403, filed on November 19, 1993 entitled Microencapsulated 3-Piperidynyl-Substituted 1,2-Benzisoxazoles and 1,2-Benzothiazoles.

Enclosed is a copy of the latest inventor-signed prior application, including a copy of the oath or declaration showing the original signature or an indication it was signed. I hereby verify that the papers are a true copy of the latest signed prior application number 08/154.403, and further that all statements made herein of my own knowledge are true; and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

| Claims                                                                              | (1) For             | (2) Number Filed | (3) Number Extra | (4) Rate                      | (5) Calculations |
|-------------------------------------------------------------------------------------|---------------------|------------------|------------------|-------------------------------|------------------|
|                                                                                     | Total Claims*       | 3 - 20 =         | 0                | x \$ 22 =                     | \$0.00           |
|                                                                                     | Independent Claims* | 2 - 3 =          | 0                | x \$ 80 =                     | \$0.00           |
| Multiple Dependent Claim(s)* (if applicable)                                        |                     |                  |                  | + \$ 260                      | \$0.00           |
|                                                                                     |                     |                  |                  | Basic Fee                     | \$ 770.00        |
|                                                                                     |                     |                  |                  | Total of above calculations = | \$ 770.00        |
| Reduction by 1/2 for filing as small entity (Note 37 C.F.R. §§ 1.9, 1.27 and 1.28). |                     |                  |                  |                               |                  |
|                                                                                     |                     |                  |                  | GRAND TOTAL =                 | \$ 770.00        |

\*The filing fee is calculated on the basis of the claims existing in the prior application as amended at 5. and 11.

2. A verified statement to establish small entity status under 37 C.F.R. §§ 1.9 and 1.27:
  - is enclosed.
  - was filed in prior application number \_\_\_\_\_ and such status is still proper and desired (37 C.F.R. § 1.28(a)).
3.  The U.S. Patent and Trademark Office is hereby authorized to charge any fees that may be required under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment, to Deposit Account No. 19-0036. A duplicate copy of this sheet is enclosed.
4.  A check in the amount of \$ 900.00 is enclosed to cover (\$770.00) basic filing fee and (\$130.00) petition fee;

1 of 2  
A

**(REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. § 1.60, PAGE 2)**

JKW 10/11/97  
a

5.  Cancel in this application original claims 2-27 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
6.  The inventors of the invention being claimed in this application are: Jean Mesens, Michael E. Rickey, and Thomas J. Atkins.
7.  This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.60(b), the Assistant Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:
8.  Amend the specification by inserting before the first line the sentence:

This application is a  continuation  division of application no. 08/154,403, filed November 19, 1993, <sup>Serial No. 54111</sup>  
(status: pending).

9.  New formal drawings are enclosed.
10.  Priority of foreign application number \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. § 119(a)-(d).  
 The certified copy has been filed in prior application number \_\_\_\_\_, filed \_\_\_\_\_.
11.  A preliminary amendment is enclosed.
12.  The prior application is assigned of record to Alkermes Controlled Therapeutics, Inc. II and Janssen Pharmaceutica.
13.  Also enclosed: (1) Request for Interference Under 37 C.F.R. § 1.604; (2) Petition to Make Special Under 37 C.F.R. § 1.102(d) and Incorporated Information Disclosure Statement; (3) Form PTO-1449; and (4) 26 cited documents.
14.  The power of attorney in the prior application is to Robert Greene Sterne, Edward J. Kessler, Jorge A. Goldstein, Samuel L. Fox, David K. S. Cornwell, Robert W. Esmond, Tracy-Gene G. Durkin, and Michele A. Cimbala, all of Sterne, Kessler, Goldstein & Fox (now Sterne, Kessler, Goldstein & Fox P.L.L.C.).  
a.  The power of attorney appears in the original papers in the prior application.  
b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

Address all future correspondence to: (May only be completed by applicant, attorney or agent of record.)

**STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.**  
1100 New York Avenue, N.W., Suite 600  
Washington, D.C. 20005-3934

February 28, 1997  
Date

Andrea G. Reister  
Andrea G. Reister  
Registration No. 36,253

inventor  
 assignee of complete interest. Certification under 37 CFR § 3.73(b) is enclosed.  
 attorney or agent of record  
 filed under 37 C.F.R. § 1.34(a)